

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

|                     |   |                       |
|---------------------|---|-----------------------|
| ROBERT BALES and    | ) |                       |
| DANIELLE BALES,     | ) |                       |
|                     | ) |                       |
| Plaintiffs,         | ) |                       |
|                     | ) |                       |
| v.                  | ) | Case No. CIV-22-851-D |
|                     | ) |                       |
| STATE FARM FIRE AND | ) |                       |
| CASUALTY COMPANY,   | ) |                       |
|                     | ) |                       |
| Defendant.          | ) |                       |

**ORDER**

The parties' Final Pretrial Report [Doc. No. 46] is deficient and is not approved. It reflects a lack of sufficient trial preparation and is incomplete.

Plaintiffs improperly list broad categories of documents and documents that cannot be identified (such as "all documents produced" by a party and "photographs, videos, or other media taken of Plaintiffs' property"). Plaintiffs' scattershot approach does not provide a workable list of trial exhibits and prevents Defendant from identifying reasonable objections. Defendant lists unidentified "demonstrative aids" as an exhibit.

As to witnesses, the parties list individuals whose proposed testimony is described with a notation, "To be deposed." The parties also purport to reserve a right to add proposed witnesses who are not currently identified. The deadline to complete discovery has passed, and no motion to extend the deadline to conduct discovery is anticipated.

The Report also reflects a failure of the parties to comply with the Local Civil Rules concerning the disclosure and exchange of evidence. Pursuant to LCvR39.4(a): "[A]ll

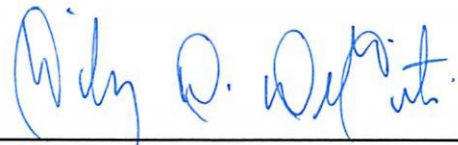
exhibits and documents which are to be introduced in evidence are to be marked for identification . . . and physically exchanged or exhibited to opposing counsel at least three calendar days before submission of the pretrial report.”

**IT IS THEREFORE ORDERED** that the Final Pretrial Report [Doc. No. 46] is **STRICKEN** and the parties will be required to correct these deficiencies. In preparing a revised Final Pretrial Report, the parties shall:

- 1) identify and list only necessary exhibits and witnesses;
- 2) resolve all objections reasonably capable of resolution through cooperative efforts and stipulate to the admissibility of as many exhibits as reasonably possible;
- 3) attempt to stipulate to all facts that are not disputed or reasonably disputable so as to eliminate unnecessary witnesses and exhibits;
- 4) pre-mark and exchange all exhibits; and
- 5) accomplish all other necessary and appropriate steps to reduce the number of exhibits, witnesses, and objections and otherwise streamline the case and reduce the length of the trial.

The parties are directed to submit a revised Final Pretrial Report within 30 days after the Court issues its ruling on Defendant’s Motion for Summary Judgment [Doc. No. 33].

**IT IS SO ORDERED** this 15<sup>th</sup> day of November, 2023.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge